

JVD

Aviam Soifer*

Jon Van Dyke is more irreplaceable than most of us and he is hugely missed. For the generation in which he and I came of age, a common saying—not to say cliché—advised: “Think globally, act locally.” Few of us did either very well. Yet Jon embodied both sides of the equation, and he did both with extraordinary thoughtfulness and verve. He was an astute global thinker and a renowned local activist, and vice versa. He spoke, wrote, advised, and litigated internationally, and he managed to do the same locally with unmatched success. Both the world and Hawai‘i were seamless to Jon. He was somehow able to defy the usual laws of time and space.

Jon’s global thinking and acting took him around the world repeatedly. He constantly traveled to give lectures, to teach, to consult, to advise, and to advocate on behalf of human rights, international law, oceans and their denizens, islands and their implications for sovereignty. Marvelously, Professor Van Dyke simultaneously shared his expertise across a startlingly broad range of subjects as he taught more than a generation of students at our Law School. And he also apparently never said no when asked to teach high school students, or to participate on a panel about Native Hawaiian rights or any other constitutional or international law issue. Whatever the setting, Jon truly was a brilliant teacher—managing somehow, for example, to be our Law School’s undisputed master of the PowerPoint while also conducting provocative, insightful class discussions in which he gently probed but never embarrassed his students. Jon was hardly a showman either inside or outside the classroom. Yet his quiet passion to think things through with care never triggered the common dangers of passivity or jadedness.

As an advocate, Jon remained carefully controlled and keenly analytic. In this role, too, he thought and fought for those most in need of legal help and he did so quietly, passionately, and very effectively. He believed strongly in legal rights. This deep conviction led Jon to write, teach, and stand up in court for an amazingly varied array of people who needed help in pursuing justice. He wrote, spoke up, and advocated on behalf of victims of the Marcos regime, for example, as well as for Hawaiians whose rights have been infringed repeatedly since the overthrow of the Queen in 1893.

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He also fought for public school students being denied their constitutional rights; for Micronesians battling the United States government over depredations they suffered through nuclear testing; and for human beings and sea creatures endangered by the careless exploitation of the oceans by institutions and short-sighted people around the globe who are heedless of the fragility of our seas and shorelines.¹

Jon's relentless pursuit of justice is well known. Professor Chip Fletcher, who a few years ago published a substantial and important study about the worldwide impact of rising seas,² reported that upon his visit to an atoll that was as far away as any known to humankind, the chief welcomed him with a traditional ceremony and then asked, "Do you know Jon Van Dyke. He is my brother."

Even with the astonishing depth of Jon's engagement with the world, he somehow seemed always to have plenty of time to listen. In fact, he would patiently hear and explore whatever manner of bizarre ideas or challenges his students and colleagues wanted to share. He was quick to grasp the key elements in an argument, but he was noteworthy for how measured and gentle were his responses. Like so many, many others, I loved simply to talk with Jon, to pursue ideas and to spot weaknesses or implications with his help that otherwise I would have missed. I really counted on much more time to toss around constitutional law issues with Jon—and to share woes and joys about the Red Sox. His loss is devastating and immeasurable.

Jon also was a deeply committed family man, and he spent much time with and took great pride in each of his three children. He and his wife, Sherry Broder, constituted a rare partnership professionally as well as in deeply personal ways. They showed up more than other faculty members at Law School events and many other social occasions, and they hosted numerous parties and dinners for visiting dignitaries and for students and faculty members. Few of the other "grown-ups" would dare to do so, but Jon and Sherry always danced.

Jon Van Dyke worked diligently to repair the world. His loss tears all of us apart.

¹ For a more detailed analysis of Jon's accomplishments and contributions discussed in this paragraph, *see generally* 35 U. HAW. L. REV. 385-1013 (2013).

² *See* CHARLES H. FLETCHER & BRUCE M. HAMMOND, EXECUTIVE SUMMARY: CLIMATE CHANGE IN THE FEDERATED STATES OF MICRONESIA: FOOD AND WATER SECURITY, CLIMATE RISK MANAGEMENT, AND ADAPTIVE STRATEGIES (2010), *available at* <http://seagrant.soest.hawaii.edu/executive-summary-climate-change-federated-states-micronesia-food-and-water-security-climate-risk-ma>.